IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3335 of 2005

Between:

J.Moulalamma, W/o.J.Gopal,
R/o.Muthalur village, Rudravaram Mandal,
Kurnool Dist.

..... PETITIONER

AND

1 The Joint Collector, Kurnool.
2 The Revenue Divisional officer, Nandyal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in R.C.E.No.664/2004 dt.7-8-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001 and consequently direct the respondents to restore the authorization of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: Mr. U.RAMANJANEYULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking *Mandamus* declaring the action of the 2nd Respondent in issuing the proceedings in R.C.E.No.664/2004 dt.7-8-2004, as

illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001, and consequently to direct the respondents to restore the authorization of the petitioner by suspending the impugned proceedings, pending appeal before the 1st Respondent.

2. Heard both sides and at their request this case is taken up for disposal at the stage of admission.

3 . The only complaint of the petitioner is that the 2nd respondent-appointing authority, without conducting any enquiry issued proceedings in R.C.E.No.664/2004, dated 07-08-2004 suspending his authorization in respect of a Fair Price Shop Dealer of Muthalur village, and though he preferred an appeal before the 1st respondent-appellate authority, the same is not yet disposed of. It is his further grievance that though enquiry has to be concluded within ninety days, from the date of its initiation, the appointing authority-2nd respondent herein is procrastinating the matter. He relies on the judgment of a Division Bench of this Court, reported in **JOINT COLLECTOR, KURNOOL v. A. NEELIMA (DB)**, wherein, it was held that the period of ninety days is not a statutory period, but it was only a reasonable period and that only in order to avoid unnecessary delay in conducting the enquiry, ninety days period was felt reasonable.

4. In the instant case, there is no time stipulation in the Control Order of 2001, regarding the conduct of an enquiry by the appointing authority. However, it is desirable to complete the enquiry, particularly when the authorization of the dealer was suspended. It is always expedient to dispose of the matter after conducting the enquiry and pass final orders, as expeditiously as possible, in which event, the reasonable time, in my considered view, can be treated as ninety days.

5. Accordingly, the Writ Petition is allowed with a direction to the 2nd respondent to conduct and complete the enquiry within sixty days from today.

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(D.S.R.VARMA,J)

1st March, 2005

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To

1 The Joint Collector, Kurnool.

2 The Revenue Divisional officer, Nandyal, Kurnool Dist.

3 Two CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

4 Two CD copies.